

AMENDED IN SENATE APRIL 17, 2006

**SENATE BILL**

**No. 1532**

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**Introduced by Senator Bowen**

February 23, 2006

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An act to amend, *repeal, and add* Section 108680 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 1532, as amended, Bowen. Household substances: packaging.

Existing law regulates the packaging and labeling of household substances, as defined. Existing law defines a "package," for purposes of those provisions, to mean the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of household substances, to mean any outer container or wrapping used in the retail display of any such substance to consumers.

This bill would, *on and after January 1, 2008*, revise that definition of "package" to also include any empty container that is designed to contain any household substance for consumption, use, or storage by any individual in or about the household.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     **SECTION 1.** *Section 108680 of the Health and Safety Code is*
- 2     *amended to read:*
- 3     108680. Unless the provisions or the context otherwise
- 4     requires, these definitions, rules of construction, and general

1 provisions shall govern the construction of this chapter. As used  
2 in this chapter:

3 (a) “Department” means the State Department of Health.

4 (b) “Household substance” means any substance that is  
5 customarily produced or distributed for sale for consumption or  
6 use, or customarily stored by individuals in or about the  
7 household and is one of the following:

8 (1) A hazardous substance as that term is defined in Section  
9 108125.

10 (2) A food, drug, or cosmetic, as those terms are defined in  
11 Sections 109900, 109925, and 109935, that (i) is toxic, (ii) is  
12 corrosive, (iii) is an irritant, (iv) is a strong sensitizer, (v) is  
13 flammable or combustible, or (vi) generates pressure through  
14 decomposition, heat, or other means; if it may cause substantial  
15 personal injury or substantial illness during or as a proximate  
16 result of any customary or reasonably foreseeable handling or  
17 use, including reasonably foreseeable ingestion by children.

18 (3) A substance intended for use as fuel when stored in a  
19 portable container and used in the heating, cooking, or  
20 refrigeration system of a residential dwelling.

21 (c) “Package” means the immediate container or wrapping in  
22 which any household substance is contained for consumption,  
23 use, or storage by individuals in or about the household, and, for  
24 purposes of household substances, also means any outer  
25 container or wrapping used in the retail display of any such  
26 substance to consumers.

27 “Package” does not include the following:

28 (1) Any shipping container or wrapping used solely for the  
29 transportation of any household substance in bulk or in quantity  
30 to manufacturers, packers, or processors, or to wholesale or retail  
31 distributors thereof.

32 (2) Any shipping container or outer wrapping used by  
33 retailers to ship or deliver any household substance to consumers  
34 unless it is the only container or wrapping.

35 (d) “Special packaging” means packaging that is designed or  
36 constructed to be significantly difficult for children under five  
37 years of age to open or obtain a toxic or harmful amount of the  
38 substance contained therein within a reasonable time and not  
39 difficult for normal adults to use properly, but does not mean

1 packaging that all such children cannot open or obtain a toxic or  
2 harmful amount of within a reasonable time.

3 (e) “Labeling” means all labels and other written, printed, or  
4 graphic matter upon any household substance or its package, or  
5 accompanying the substance.

6 (f) “Federal act” means the “Poison Prevention Packaging Act  
7 of 1970” (15 U.S.C. Sec. 1471 et seq.).

8 (g) *This section shall remain in effect only until January 1,*  
9 *2008, and as of that date is repealed, unless a later enacted*  
10 *statute, that is enacted before January 1, 2008, deletes or extends*  
11 *that date.*

12 SEC. 2. *Section 108680 is added to the Health and Safety*  
13 *Code, to read:*

14 *108680. Unless the provisions or the context otherwise*  
15 *requires, these definitions, rules of construction, and general*  
16 *provisions shall govern the construction of this chapter. As used*  
17 *in this chapter:*

18 (a) *“Department” means the State Department of Health.*

19 (b) *“Household substance” means any substance that is*  
20 *customarily produced or distributed for sale for consumption or*  
21 *use, or customarily stored by individuals in or about the*  
22 *household and is one of the following:*

23 (1) *A hazardous substance as that term is defined in Section*  
24 *108125.*

25 (2) *A food, drug, or cosmetic, as those terms are defined in*  
26 *Sections 109900, 109925, and 109935, that (i) is toxic, (ii) is*  
27 *corrosive, (iii) is an irritant, (iv) is a strong sensitizer, (v) is*  
28 *flammable or combustible, or (vi) generates pressure through*  
29 *decomposition, heat, or other means; if it may cause substantial*  
30 *personal injury or substantial illness during or as a proximate*  
31 *result of any customary or reasonably foreseeable handling or*  
32 *use, including reasonably foreseeable ingestion by children.*

33 (3) *A substance intended for use as fuel when stored in a*  
34 *portable container and used in the heating, cooking, or*  
35 *refrigeration system of a residential dwelling.*

36 (c) (1) *“Package” means either of the following:*

37 (A) *The immediate container or wrapping in which any*  
38 *household substance is contained for consumption, use, or*  
39 *storage by individuals in or about the household, and, for*  
40 *purposes of household substances, also means any outer*

1 container or wrapping used in the retail display of any such  
2 substance to consumers.

3 (B) Any empty container that is designed to contain any  
4 household substance for consumption, use, or storage by any  
5 individual in or about the household.

6 (2) Package does not include the following:

7 (A) Any shipping container or wrapping used solely for the  
8 transportation of any household substance in bulk or in quantity  
9 to manufacturers, packers, or processors, or to wholesale or  
10 retail distributors thereof.

11 (B) Any shipping container or outer wrapping used by  
12 retailers to ship or deliver any household substance to consumers  
13 unless it is the only container or wrapping.

14 (d) “Special packaging” means packaging that is designed or  
15 constructed to be significantly difficult for children under five  
16 years of age to open or obtain a toxic or harmful amount of the  
17 substance contained therein within a reasonable time and not  
18 difficult for normal adults to use properly, but does not mean  
19 packaging that all such children cannot open or obtain a toxic or  
20 harmful amount of within a reasonable time.

21 (e) “Labeling” means all labels and other written, printed, or  
22 graphic matter upon any household substance or its package, or  
23 accompanying the substance.

24 (f) “Federal act” means the “Poison Prevention Packaging  
25 Act of 1970” (15 U.S.C. Sec. 1471 et seq.).

26 (g) This section shall become operative on January 1, 2008.

27 ~~SECTION 1. Section 108680 of the Health and Safety Code~~  
28 ~~is amended to read:~~

29 ~~108680. Unless the provisions or the context otherwise~~  
30 ~~requires, these definitions, rules of construction, and general~~  
31 ~~provisions shall govern the construction of this chapter. As used~~  
32 ~~in this chapter:~~

33 (a) ~~“Department” means the State Department of Health.~~

34 (b) ~~“Household substance” means any substance that is~~  
35 ~~customarily produced or distributed for sale for consumption or~~  
36 ~~use, or customarily stored by individuals in or about the~~  
37 ~~household and is one of the following:~~

38 (1) ~~A hazardous substance as that term is defined in Section~~  
39 ~~108125.~~

~~(2) A food, drug, or cosmetic, as those terms are defined in Sections 109900, 109925, and 109935, that (i) is toxic, (ii) is corrosive, (iii) is an irritant, (iv) is a strong sensitizer, (v) is flammable or combustible, or (vi) generates pressure through decomposition, heat, or other means; if it may cause substantial personal injury or substantial illness during or as a proximate result of any customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion by children.~~

~~(3) A substance intended for use as fuel when stored in a portable container and used in the heating, cooking, or refrigeration system of a residential dwelling.~~

~~(e) (1) "Package" means either of the following:~~

~~(A) The immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household, and, for purposes of household substances, also means any outer container or wrapping used in the retail display of any such substance to consumers.~~

~~(B) Any empty container that is designed to contain any household substance for consumption, use, or storage by any individual in or about the household.~~

~~(2) Package does not include the following:~~

~~(A) Any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof.~~

~~(B) Any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only container or wrapping.~~

~~(d) "Special packaging" means packaging that is designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and not difficult for normal adults to use properly, but does not mean packaging that all such children cannot open or obtain a toxic or harmful amount of within a reasonable time.~~

~~(e) "Labeling" means all labels and other written, printed, or graphic matter upon any household substance or its package, or accompanying the substance.~~

1 (f) ~~“Federal act” means the “Poison Prevention Packaging Act~~  
2 ~~of 1970” (15 U.S.C. Sec. 1471 et seq.).~~

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